

Appln. No.: 09/767,635
Amendment Dated November 2, 2005
Reply to Office Action of August 25, 2005

MATI-194US

Remarks/Arguments:**Status of Claims**

Claims 1-15 are pending and stand rejected.

By this Amendment, claim 13 is amended.

Basis for the amendment to claim 13 may be found at page 6, lines 18-23 and at page 12, lines 1-11. No new matter is presented by the claim amendments or new claims, and accordingly, entry and approval is submitted to be proper and respectfully requested.

Specification Changes

The specification has been changed to better conform to the language used in the claims. Basis for the amendment to the specification may be found at page 5, lines 4 through page 6, line 2.

Entry and consideration is respectfully requested.

Rejection of Claims 1, 5-7, and 13-15 Under 35 U.S.C. § 112, First Paragraph

In the Action at page 2, claims 1 and 13 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner contends that the phrases "the analog signal identifies a unique copy of the digital work" as recited in claim 1 and the phrase "that is noticeably different from the one of said sequential data objects when the one data object and the alternate data object are reproduced in analog form" as recited in claim 13 are not properly described in the application as stated in the remarks.

Applicant respectfully traverses the rejection of claim 1 and requests reconsideration. The phrase "the analog signal identifies a unique copy of the digital work" finds support in the original specification at, for example, page 9, line 1-6. That is, the disclosure in the original specification provides that a "... work [i.e., digital work] ... is distinguishable [i.e., uniquely identifiable], ... in copies made at the analog output [i.e., analog signal] ...," (brackets added).

Moreover, the phrase "noticeably different" in claim 13 has been amended to the phrase "--measurably different--" which finds support in the original specification, for example, at page 6, lines 18-23.

Accordingly, it is submitted that claims 1 and 13 are fully supported by the original specification and that this rejection has been overcome.

Rejection of Claims 1-4, 8 and 13 Under 35 U.S.C. § 112, Second Paragraph

In the Action at page 3, claims 1-4, 8 and 13 are rejected under 35 U.S.C. §112, first paragraph, as being indefinite. It is believed that the proper rejection applies to claims 1-15 since claims 1, 2, 8 and 13 are the only independent claims in the application.

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Applicant has amended the specification to provide direct support for the term "artistically equivalent." More particularly, the original specification at page 5, lines 13-14 has been amended from "This would make the differences imperceptible to a viewer" to -- This would make the differences imperceptible to a viewer (i.e., artistically equivalent) --.

It is submitted that the specification amendment overcomes this rejection because the term "artistically equivalent" refers to differences imperceptible to a viewer.

Reconsideration is respectfully requested.

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 1-15.

Respectfully submitted,


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Dated: November 2, 2005

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office 571-273-8300 on:
NOVEMBER 2, 2005


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